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United States Government **Department of Energy**

Bonneville Power Administration

memorandum

DATE: September 10, 2004

REPLY TO ATTN OF: KEC-4

SUBJECT: Supplement Analysis for the Watershed Management Program EIS (DOE/EIS-0265/SA-179)

TO: Dorrie Welch
Fish and Wildlife Project Manager - KEWU-4

Proposed Actions: Joseph Creek Steelhead Restoration Project

Project Nos: 1992-026-01 - Joseph Creek Restoration

Watershed Management Categories, Techniques, or Actions Addressed Under This Supplement Analysis (See App. A of the Watershed Management Program EIS): 1.3 Restoration of Channelized River and Stream Reaches,1.13 Culvert Removal/Replacement to Improve Fish Passage, 1.15 Fish Passage Enhancement – Fishways

Location: U.S. Forest Service-administered property; Upper Joseph Creek Watershed; Wallowa County, Oregon; Doe Ck.:T3N,R46E, Sec. 14; Billy Ck.:T3N,R47E, Sec. 7; Summit Ck.:T4N, R47E, Sec.33

Proposed by: Bonneville Power Administration (BPA) and Wallowa Resources

Description of Proposed Actions: BPA is proposing to fund the Wallowa Resources to restore passage and localized movements among steelhead and other fish species in the Upper Joseph Creek watershed. Two outdated culverts located on Summit Creek and Doe Creek, do not meet current requirements for listed fish and are too small to carry a 100-year flood event. The new open-bottom arched culverts would be appropriately sized for a 100-year flood event. A third culvert on Billy Creek would be replaced with a bridge. The downstream gabions would be removed and about 100 feet of channel will also be reconstructed. These three culverts are the highest priority for replacement. The work period for the Joseph Creek project is planned for July 19, 2004 to September 30, 2004. Table 1 highlights the more specific actions and parameters to be undertaken including the design criteria that provides for a variety of resource protection and enhancement to be implemented (Table 1).

Analysis: As a cooperator and partner, the U.S. Forest Service assisted Wallowa Resources in conducting inventories and environmental analyses, and produced their own Decision Memos that authorizes their District Ranger to proceed with the projects. Accordingly, we believe this work is consistent and meets the standards and guidelines for the Watershed Management Program Environmental Impact Statement (EIS) and Record of Decision (ROD). We have identified the specific categories, techniques, and actions that qualify above.

The Endangered Species Act (ESA) listed species that may occur in the general vicinity of the project area and that could be affected by the project are the threatened Mid-Columbia River steelhead, bull trout, shortnose sucker, northern spotted owl, marbled murrelet, and Canada lynx. A Biological Opinion (BO) was prepared by the U.S. Fish and Wildlife Service (FWS) dated March 1, 2004 entitled "Biological Opinion for USDA Forest Service Fish Passage Restoration Activities in Eastern Oregon and Washington 2004-2008" (FWS Ref. 1-3-03-PF-1243 and 1-7-03-F-0379).

This BO responded to an inventory of culverts and a subsequent biological evaluation that was conducted by the Forest Service on December 29, 2003. This document is entitled "Biological Assessment/Evaluation (BE) for Proposed, Endangered, Threatened, and Sensitive (PETS) Plants – Fish Barrier Removal Project". The FWS provided a may affect, but not likely to adversely affect federally listed species or designated critical habitat (FWS Ref. 1-3-03-I-1482, 1-7-03-I-0395, 1-3-03-PF-1243, and 1-7-03-F-0379). In addition, the FWS offered a total of 12 non-discretionary terms and conditions to implement 9 reasonable and prudent measures for bull trout, shortnose sucker, northern spotted owl, marbled murrelet, and Canada lynx. Implementation of these terms and conditions would exempt the prohibitions of Section 9 of the ESA. The FWS BO additionally offered a total of 10 discretionary conservation measures for these species.

Although NOAA Fisheries concluded that the culvert replacement actions are not likely to jeopardize the continued existence of the ESA-listed salmonids (including steelhead), the "ESA Section 7 Consultation Biological Opinion and Magnuson-Stevens Fishery Conservation and Management Act EFH Consultation" (dated September 2, 2003), provides three non-discretionary terms and conditions to meet three reasonable and prudent measures for anadromous salmonid species listed under the ESA, that could be in the project area. Implementation of these terms and conditions would exempt the prohibitions of Section 9 of the ESA. Four discretionary conservation recommendations were also made by NOAA Fisheries. The culvert replacements do not apply to Essential Fish Habitat.

Therefore, to despite the expected short-term effects that are likely, both the FWS and NOAA Fisheries concluded that the action as proposed will not jeopardize the continued existence of endangered species or destroy or adversely modify designated critical habitat. The agencies also stated that the actions are expected to have beneficial long-term effects to the species. Wallowa Resources is responsible to carry forth the non-discretionary terms and conditions and will notify the NOAA Fisheries and FWS of any discretionary conservation actions it undertakes. Copies of the BO's are located in the KEC-4 project files.

Requirements associated with Section 106 of the National Historic Preservation Act were addressed in accordance with a 1995 Programmatic Agreement between the Advisory Council on Historic Preservation, Oregon State Historic Preservation Office, and U.S. Forest Service Region 6 in March 1995. Under this agreement, consultation of the individual actions with the SHPO was not required, provided that documentation for each ground disturbing activity was appropriately recorded. A cultural resource file search and subsequent pedestrian surveys were conducted on July 9, 15, 29, and 31of 2003 in the Lower Joseph Creek Watershed. The surveys included areas parallel to the roads/culverts as well as both sides of the project culverts with transects spaced 5-10 meters apart. Results of this survey are recorded in a WWNF Memo dated August 26, 2003 from archaeologist Jennifer McDaid to Forest Archaeologist, Guy Marden.

The survey reports as follows for the three culverts proposed to be replaced/removed:

- C29 - Lithic scatter - recommendation: no effect;
- C47 - No cultural material – recommendation: no effect;
- C48 - Lithic scatter – recommendation: avoid; do not use heavy equipment offroad, do not pile waste material in site area, and confine project work to existing culvert except for log weirs to be placed downstream from the culvert.

Field reviews with project planners will be conducted prior to construction to ensure protection of cultural resources. The project will have no effect on any properties eligible for listing on the National Register of Historic Places if these recommendations are followed. In the unlikely event that unexpected archaeological material is discovered as part of project activities, a Wallowa-Whitman National Forest (WWNF) Archaeologist and BPA archaeologist should immediately be notified and work halted until the finds can be inspected and assessed. Copies of the cultural resource report is filed in KEC.

Initial public involvement first occurred during the community planning process for the Upper Joseph Creek. In the spring 2003 a proposal for culvert improvement was included in the Wallowa-Whitman National Forest Schedule of proposed Actions. Although there were no written comments submitted to the record, support for the proposal is widespread among the agencies, local government, and other collaborative members who participated in the community planning. Consultation on the project included the USFS's Region 6 FS Programmatic Culvert Replacement Activities in Washington and Eastern Oregon Biological Assessment (April 2003). Informal discussions were also conducted about the Lower Grande Ronde Subbasin culverts. ESA consultation also took place and the agencies supported the proposal to develop protection measures and minimize fisheries impacts during project implementation. There are no opposed comments on record.

Contributing funding for these fish passage improvements include several partners: Wallowa Resources, the Nature Conservancy, Oregon Watershed Enhancement Board, NOAA Fisheries, the Grande Ronde Model Watershed Program, and BPA. All permits/authorizations will be secured prior to project construction.

Findings: The project is generally consistent with Section 7.6A.2, 7.6B.3, & 7.8E.1, of the Northwest Power Planning Council's Fish and Wildlife Program. This Supplement Analysis finds 1) that the proposed actions are substantially consistent with the Watershed Management Program EIS (DOE/EIS-0265) and ROD, and, 2) that there are no new circumstances or information relevant to environmental concerns and bearing on the proposed actions or their impacts. Therefore, no further NEPA documentation is required.

/s/ Carl J. Keller
Carl J. Keller
Fish and Wildlife Biologist – KEC-4

CONCUR:

/s/ Thomas C. McKinney DATE: *September 10, 2004*
Thomas C. McKinney
NEPA Compliance Officer – KEC-4

cc: (w/table)
Mr. Nils D. Christoffersen, Willowa Resources, P.O. Box 274, Enterprise, OR 97828
Mr. Ken Bronec, Wallowa-Whitman National Forest, Wallowa Valley Ranger District, 88401 Hwy. 82, Enterprise, OR 97828

Table 1. Proposed Work for the Joseph Creek Fish Passage Improvement Project

Project Name	Joseph Creek Steelhead Restoration Project
Objective(s)	Restore passage of adult and juvenile steelhead
Intention	Replace culverts with open-bottom arches or bridges to facilitate free passage of fish and accommodate a 100-year flood event
Planned Tasks/ Actions Proposed	►Secure bridge design(s); ►construct replacement bridge; ►excavate culverts and remove old culverts; install open bottom arches or bridges; ►remove gabions and reconstruct channels at Doe and Billy Creek; conduct site inspection
Work Period	July 19, 2004 to September 30, 2004
Drainage/ Location	Upper Joseph Creek Watershed/ Wallowa County, USFS land
Creek/Legal	Doe Creek – T3N R46E Sec. 14, Billy Creek – T3N R47E Sec. 7, Summit Creek – T4N R47E Sec. 33
USFS Decision Memo	Fish Passage Improvement Projects Decision Memo
Design Criteria	►notify fisheries and hydrology personnel before beginning of culvert replacement work ►work within in-stream work window using ODFW guidelines ►use ODFW guidelines and criteria for stream crossings ►follow accepted guidelines for culvert design and installation ►coordinate construction schedules ►assure that appropriate native seed mixtures are used to stabilize disturbed construction sites ►implement a Pollution and Erosion Control Plan ►rehabilitate and stabilize all disturbed areas ►assure that the outfall of the culverts do not have a drop of over 6 inches during low flow ►replacements will occur when the channel is dry ►operate machinery under dry conditions ►implement a Spill Prevention and Containment Plan ►ensure that oil absorbent clean-up materials are on site for cleaning machinery ►minimize access points of machinery through riparian areas ►minimize time that machinery in the channel ►stream crossing structures on fish-bearing streams are limited to a clear span bridge, bottomless arch culvert, or embedded culvert ►design the culvert crossing to pass 100-year peak flood ►locate abutments outside the two-year floodplain ►fresh concrete, and other construction materials shall be contained and not contact waterbodies ►stream crossing structures shall not discharge runoff into streams ►do not use baffled culverts ►complete earthwork as quickly as possible ►provide fish passage for the life of the project ►screen any water intakes and pumps according to NOAA Fisheries fish screen criteria ►if fill is needed, take from the Poison or Summit gravel pits on USFS land ►removed culverts will be taken to a FS guard station or appropriately disposed in a landfill ►ensure implementation of a Public Information Plan